

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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1199SEIU UNITED HEALTHCARE  
WORKERS EAST,

Petitioner,

-against-

PSC COMMUNITY SERVICES, NEW  
PARTNERS, INC. d/b/a PARTNERS IN  
CARE, STELLA ORTON HOME CARE  
AGENCY, RICHMOND HOME NEEDS,  
SUNNYSIDE HOME CARE PROJECT,  
SUNNYSIDE CITYWIDE HOME CARE,  
FAMILY HOME CARE OF BROOKLYN  
AND QUEENS, CARE AT HOME,  
CHINESE-AMERICAN PLANNING  
COUNCIL HOME ATTENDANT  
PROGRAM, UNITED JEWISH COUNCIL  
OF THE EAST SIDE HOME ATTENDANT  
SERVICE CORP., THE FIRST CHINESE  
PRESBYTERIAN COMMUNITY AFFAIRS  
HOME ATTENDANT CORP., AZOR  
HOME CARE, BUSHWICK  
STUYVESANT HEIGHTS HOME  
ATTENDANT, INC., CABS HOMECARE,  
RIVERSPRING LICENSED HOMECARE  
SERVICES AGENCY, INC., ST.  
NICHOLAS HUMAN SUPPORTS CORP.,  
WARTBURG, ALLIANCE FOR HEALTH,  
INC., REGION CARE, INC., SPECIAL  
TOUCH HOME CARE SERVICES, INC.,  
RAIN, INC., PRESTIGE HOME CARE,  
INC., PRESTIGE HOME ATTENDANT,  
INC. d/b/a ALL SEASON HOME  
ATTENDANT, PERSONAL TOUCH  
HOME CARE OF N.Y., INC., PRIORITY  
HOME SERVICES, PREMIER HOME  
HEALTH CARE, INC., BRONX JEWISH  
COMMUNITY COUNCIL HOME  
ATTENDANT SERVICES, CIDNY  
INDEPENDENT LIVING SERVICES,  
HOME CARE SERVICES FOR  
INDEPENDENT LIVING, NEW YORK

1:20-cv-03611-JGK

**CABS HOMECARE'S  
ANSWER TO PETITION TO  
CONFIRM ARBITRATION  
AWARD**

FOUNDATION FOR SENIOR CITIZENS  
HOME ATTENDANT SERVICES,  
COOPERATIVE HOME CARE  
ASSOCIATES, RISEBORO HOME CARE,  
INC., FECS HOME ATTENDANT  
SERVICES, HOME HEALTH  
MANAGEMENT SERVICES, INC.,  
SCHOOL SETTLEMENT HOME  
ATTENDANT CORP., ROCKAWAY  
HOME ATTENDANT, BRONXWOOD  
HOME FOR THE AGED, INC.,  
ACCENTCARE OF NY, INC., ISABELLA  
VISITING CARE, INC., SOCIAL  
CONCERN COMMUNITY  
DEVELOPMENT CORP., ABC HEALTH  
SERVICES REGISTRY, ALLIANCE  
HOME SERVICES, *collectively identified by  
the Arbitrator as the “HOME HEALTH  
CARE AGENCIES”*,

Respondents.

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Respondent CABS Homecare (hereinafter referred to as “Respondent”), by and through its attorneys, for its Answer to the Petition of 1199SEIU United Healthcare Workers East (“Petitioner”) to Confirm Arbitration Award (the “Petition”) herein, states as follows:

**AS TO “NATURE OF ACTION”**

1. Respondent admits that Petitioner seeks to proceed as set forth in Paragraph 1 of the Petition. To the extent Paragraph 1 refers to a document, the content of the document speaks for itself.

**AS TO “PARTIES”**

2. Respondent admits the allegations set forth in Paragraph 2 of the Petition, except Respondent denies knowledge or information sufficient to form a belief about the number of homecare workers Petitioner represents in New York City and surrounding counties.

3. Respondent admits the allegations set forth in Paragraph 3 of the Petition as to itself but denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Petition as to other Respondents.

**AS TO “JURISDICTION AND VENUE”**

4. Respondent admits the allegations set forth in Paragraph 4 of the Petition.

5. Respondent admits the allegations set forth in Paragraph 5 of the Petition.

**AS TO “STATEMENT OF FACTS”**

6. Respondent admits the allegations set forth in Paragraph 6 of the Petition as to itself but denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Petition as to other Respondents.

7. Respondent admits the allegations set forth in Paragraph 7 of the Petition as to itself but denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Petition as to other Respondents.

8. Respondent admits the allegations set forth in Paragraph 8 of the Petition as to itself but denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Petition as to other Respondents.

9. Respondent neither admits nor denies the allegations in Paragraph 9 of the Petition and leaves Petitioner to its proofs. To the extent Paragraph 9 of the Petition refers to a document, the content of the document speaks for itself.

10. Respondent admits the allegations set forth in Paragraph 10 of the Petition as to itself, except Respondent avers it signed such Memorandum of Agreement with Petitioner on or around December 11, 2015. Respondent denies knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraph 10 of the Petition as to other Respondents.

11. Respondent admits the allegations set forth in Paragraph 11 of the Petition as to itself but denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Petition as to other Respondents.

12. Respondent admits Petitioner filed the grievance described in Paragraph 12 of the Petition, but denies any wrongdoing alleged in such underlying grievance, and avers that such grievance was filed against Respondent on or around January 2, 2019.

13. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13.

14. Respondent admits the allegations set forth in Paragraph 14 of the Petition.

15. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the Petition, except avers Respondent proceeded to mediation and then to arbitration, resulting in the Arbitrator issuing the Award.

16. Respondent admits the allegations set forth in Paragraph 16 of the Petition as to itself but denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Petition as to other Respondents.

17. Respondent neither admits nor denies the allegations in Paragraph 17 of the Petition and leaves Petitioner to its proofs. To the extent Paragraph 17 of the Petition refers to a document, the content of the document speaks for itself.

18. Respondent admits the allegations set forth in Paragraph 18 of the Petition.

19. Respondent admits the allegations set forth in Paragraph 19 of the Petition as to itself but denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the Petition as to other Respondents.

20. Respondent admits the allegations set forth in Paragraph 20 of the Petition as to itself.

21. Respondent neither admits nor denies the allegations in Paragraph 21 of the Petition and leaves Petitioner to its proofs. To the extent Paragraph 21 of the Petition refers to a document, the content of the document speaks for itself.

22. Respondent admits the allegations set forth in Paragraph 22 of the Petition as to itself.

23. Respondent admits the allegations set forth in Paragraph 23 of the Petition.

24. Respondent admits the allegations set forth in Paragraph 24 of the Petition.

25. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of the Petition.

Respectfully submitted,

JACKSON LEWIS P.C.

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Dated: May 29, 2020  
New York, New York

*ATTORNEYS FOR RESPONDENT  
CABS HOME CARE*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of Respondent's Answer has been electronically filed and served on all counsel via ECF.

/s/ Christopher M. Repole  
Christopher M. Repole

Dated: May 29, 2020  
New York, New York